

UNITED STATES DISTRICT COURT

for the
District of Arizona

United States of America)

v.)

Juan Carlos Garcia-Bahena,
a.k.a.: Juan Carlos Garcia Bahena,
(A200 947 668)Defendant)

Case No. 17-9461 MJ

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date of August 9, 2017, in the County of Maricopa, in the District of Arizona, the defendant violated Title 8, U.S.C. § 1326(a), an offense described as follows:

Juan Carlos Garcia-Bahena, an alien, was found in the United States of America at or near Phoenix, in the District of Arizona, after having been previously denied admission, excluded, deported, and removed from the United States at or near Nogales, Arizona, on or about August 29, 2015, and not having obtained the express consent of the Secretary of the Department of Homeland Security to reapply for admission thereto; in violation of Title 8, United States Code, Section 1326(a), and enhanced by (b)(1). I further state that I am a Deportation Officer.

This criminal complaint is based on these facts:

See Attached Statement of Probable Cause Incorporated By Reference Herein

REVIEWED BY: AUSA Cassie Bray Woo ^{CBW} for AUSA Jonathan R. Hornok☒ Continued on the attached sheet.


Complainant's signature

Darrin J. McNeill,
Deportation Officer

Printed name and title

Sworn to before me and signed in my presence.

Date: September 21, 2017


Judge's signature

City and state: Phoenix, ArizonaEileen S. Willett,
United States Magistrate Judge

Printed name and title

STATEMENT OF PROBABLE CAUSE

I, Darrin J. McNeill, being duly sworn, hereby depose and state as follows:

1. Your affiant is a Deportation Officer with United States Immigration and Customs Enforcement (ICE). I have learned from direct participation in the investigation and from the reports and communications of other agents and officers the facts recited herein.
2. On August 9, 2017, Juan Carlos Garcia-Bahena was arrested by the Arizona Department of Public Safety and booked into the Maricopa County Jail (MCJ) on local charges. While incarcerated at the MCJ, Garcia-Bahena was examined by ICE Officer R. Fields who determined Garcia-Bahena to be a citizen of Mexico, illegally present in the United States. On the same date, an immigration detainer was lodged with the county jail. On September 21, 2017, Garcia-Bahena was released from the MCJ and transported to the Phoenix ICE office for further investigation and processing. Garcia-Bahena was held in administrative custody until his criminal and immigration records could be obtained and his identity confirmed.
3. Immigration history checks revealed Juan Carlos Garcia-Bahena to be a citizen of Mexico and a previously deported criminal alien. Garcia-Bahena was removed from the United States to Mexico at or near Nogales, Arizona, on or about August 29,

2015, pursuant to the reinstatement of an order of removal issued by an immigration judge. There is no record of Garcia-Bahena in any Department of Homeland Security database to suggest that he obtained permission from the Secretary of the Department of Homeland Security to return to the United States after his removal. Garcia-Bahena's immigration history was matched to him by electronic fingerprint comparison.

4. Criminal history checks revealed that Juan Carlos Garcia-Bahena was convicted of Re-Entry of Removed Alien, a felony offense, on June 8, 2015, in the United States District Court, District of Arizona. Garcia-Bahena was sentenced to seven (7) months' imprisonment and three (3) years' supervised release. Garcia-Bahena's criminal history was matched to him by electronic fingerprint comparison.
5. On September 21, 2017, Juan Carlos Garcia-Bahena was advised of his constitutional rights. Garcia-Bahena freely and willingly acknowledged his rights and declined to make any further statements.
6. For these reasons, this affiant submits that there is probable cause to believe that on or about August 9, 2017, Juan Carlos Garcia-Bahena, an alien, was found in the United States of America, at or near Phoenix, in the District of Arizona, after having been previously denied admission, excluded, deported, and removed from the United States

at or near Nogales, Arizona, on or about August 29, 2015, and not having obtained the express consent of the Secretary of the Department of Homeland Security to reapply for admission thereto; in violation of Title 8, United States Code, Section 1326(a), and enhanced by (b)(1).

A handwritten signature in black ink, appearing to read 'D. McNeill', written over a horizontal line.

Darrin J. McNeill,
Deportation Officer,
Immigration and Customs Enforcement

Sworn to and subscribed before me
this 21st day of September, 2017.

A handwritten signature in black ink, appearing to read 'E. Willett', written over a horizontal line.

Eileen S. Willett,
United States Magistrate Judge